

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Peter Hoch
Serial Number:	09/911,437
Filed:	At Issue in This Petition
For:	GEAR RACK ARRANGEMENT HAVING RESILIENTLY BRACED GEAR RACKS AND ANTI-DETACHMENT MEANS
Art Unit:	2512
Examiner:	Kevin Watkins

5 **PETITION TO BE ACCORDED FILING DATE OF REVIVED PARENT**
APPLICATION and RESPONSE TO NOTICE OF INCOMPLETE APPLICATION

10 Hon. Assistant Commissioner for Patents
U. S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

RECEIVED

JUL 2 4 2002

OFFICE OF PETITIONS

15 Applicant hereby petitions to be accorded the filing date (5/18/95) of parent application (08/443,518) for the above-identified continuation application. It is submitted that the proper filing date was denied in error in a Notice Of Incomplete Non-provisional Application mailed 09/07/2001.

20 This petition includes a complete response to the Notice of Incomplete Non-provisional Application and an authorization to charge all fees in connection with the petition and response to the notice to applicant's Deposit Account 07-0832.

STATEMENT OF FACTS

25

1. The Board of Patent Appeals and Interferences issued a decision on 24 January 2001 affirming the final rejection of Claims 1, 6 and 7 (all active claims) of

parent application S/N 08/443,518. The parent application became abandoned for as of the date the decision of the Board was mailed (24 January 2001).

2. Applicant filed a Petition to Revive the parent application on 24 July 2001
5 for the sole purpose of filing the subject continuation application. A copy of applicant's petition is enclosed (**Enclosure 1**).

3. Applicant's Petition to Revive the parent application 08/443,518 was
10 granted by the Office of Petitions on 27 August 2001 (**Enclosure 2**), thereby establishing continuity of the parent application and the present continuation application. (The parent application was abandoned with the filing of the continuation application.)

4. Applicant then received a Notice of Incomplete Nonprovisional
15 Application mailed 09/07/2001 (**Enclosure 3**). The Notice denied a filing date to applicant's continuing application and required submission of an oath or declaration and a *complete specification*.

SUBMISSION

20 It is submitted that while the requirement for a new oath or declaration was proper, the action of denying the filing date of the present continuing application as lacking a complete specification was improper because none was required as evidenced by Enclosures 1, 2 and 3.

These enclosures clearly show that at the time this continuing application
25 was filed, there was continuity between the parent and continuing applications and so the filing date accorded this continuing application should have been the filing date (18 May 1995) of the parent application.

RESPONSE TO NOTICE

30 Enclosed herewith is a complete response to the Notice of Incomplete Non-Provisional Application including a copy of the complete specification (**Enclosure 4**), a copy of the original Declaration and Assignment in the parent application (**Enclosure 5**) and a copy of a new Declaration and Assignment for the continuing application.

RELIEF REQUESTED

It is respectfully requested that the present continuing application be accorded the filing date, 18 May 1995, of the parent application 08/443,518.

5

FEES

The Notice of Incomplete Non-Provisional Application was mailed 7 September 2001 having a two month response date which ended 7 November 2001. Enclosed is a request for a one month extension of time to 7 December 2001. Enclosed is an authorization to charge applicant's Deposit Account Number 07-0832 for this fee.

10

- Since this petition states that the application is entitled to a filing date (see enclosed Notice), applicant hereby requests a refund of the petition fee.

15

Enclosed herewith is a paper authorizing a charge to applicant's deposit account for the petition fee and extension of time fee. Please charge any other fees which may be due and credit any overpayment to the Deposit Account Number 07-0832.

20

Please address all communications to:
Joseph S. Tripoli
Thomson Multimedia Licensing, Inc.
Post Office Box 5312
Princeton, New Jersey 08543-5312

Respectfully submitted,



Frederick A. Wein, Attorney

Reg. No. 27,168

Certificate of Mailing Pursuant to 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. on the date indicated below.

12/7/01

Date

Frederick A. Wein, Reg. No. 27,168

Enclosures 1-6, as stated.

RECEIVED

JUL 24 2002

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995

persons are required to respond to a collection of information

Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
as it displays a valid OMB control number.**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

Complete if Known**TOTAL AMOUNT OF PAYMENT** (\$) \$240.00

Application Number	09/911,497
Filing Date	July 24, 2001
First Named Inventor	Hoch
Examiner Name	Watkins
Group / Art Unit	2512
Attorney Docket No.	RCA 87,911

METHOD OF PAYMENT (check one) 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 07-0832 Deposit Account Name: THOMSON multimedia Licensing Inc. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>\$110</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>480</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>480</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>\$130</td></tr> <tr><td>123</td><td>60</td><td>123</td><td>60</td><td></td></tr> <tr><td>128</td><td>180</td><td>126</td><td>180</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>148</td><td>740</td><td>248</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>168</td><td>900</td><td>168</td><td>900</td><td></td></tr> </tbody> </table>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65		127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55	\$110	116	400	216	200		117	920	217	480		118	1,440	218	720		128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	55		141	1,280	241	640		142	1,280	242	640		143	480	243	230		144	620	244	310		122	130	122	130	\$130	123	60	123	60		128	180	126	180		581	40	581	40		148	740	248	370		149	740	249	370		179	740	279	370		168	900	168	900																																				
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																			
105	130	205	65																																																																																																																																																																																				
127	50	227	25																																																																																																																																																																																				
139	130	139	130																																																																																																																																																																																				
147	2,520	147	2,520																																																																																																																																																																																				
112	920*	112	920*																																																																																																																																																																																				
113	1,840*	113	1,840*																																																																																																																																																																																				
115	110	215	55	\$110																																																																																																																																																																																			
116	400	216	200																																																																																																																																																																																				
117	920	217	480																																																																																																																																																																																				
118	1,440	218	720																																																																																																																																																																																				
128	1,960	228	980																																																																																																																																																																																				
119	320	219	160																																																																																																																																																																																				
120	320	220	160																																																																																																																																																																																				
121	280	221	140																																																																																																																																																																																				
138	1,510	138	1,510																																																																																																																																																																																				
140	110	240	55																																																																																																																																																																																				
141	1,280	241	640																																																																																																																																																																																				
142	1,280	242	640																																																																																																																																																																																				
143	480	243	230																																																																																																																																																																																				
144	620	244	310																																																																																																																																																																																				
122	130	122	130	\$130																																																																																																																																																																																			
123	60	123	60																																																																																																																																																																																				
128	180	126	180																																																																																																																																																																																				
581	40	581	40																																																																																																																																																																																				
148	740	248	370																																																																																																																																																																																				
149	740	249	370																																																																																																																																																																																				
179	740	279	370																																																																																																																																																																																				
168	900	168	900																																																																																																																																																																																				
2. EXTRA CLAIM FEES Total Claims: 20 ** = 0 X Fee from below = 0 Independent Claims: 3 ** = 0 X Fee from below = 0 Multiple Dependent: X Fee from below = 0 <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>740</td><td>201</td><td>370</td><td></td></tr> <tr><td>108</td><td>330</td><td>206</td><td>165</td><td></td></tr> <tr><td>107</td><td>510</td><td>207</td><td>255</td><td></td></tr> <tr><td>108</td><td>740</td><td>208</td><td>370</td><td></td></tr> <tr><td>114</td><td>180</td><td>214</td><td>80</td><td></td></tr> <tr><td colspan="4">SUBTOTAL (1)</td><td>(\$ 0)</td></tr> </tbody> </table>		Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	101	740	201	370		108	330	206	165		107	510	207	255		108	740	208	370		114	180	214	80		SUBTOTAL (1)				(\$ 0)	FEE CALCULATION (continued) <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>\$110</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>480</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td></td></tr> <tr><td>143</td><td>480</td><td>243</td><td>230</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>\$130</td></tr> <tr><td>123</td><td>60</td><td>123</td><td>60</td><td></td></tr> <tr><td>128</td><td>180</td><td>126</td><td>180</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td></tr> <tr><td>148</td><td>740</td><td>248</td><td>370</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td></td></tr> <tr><td>168</td><td>900</td><td>168</td><td>900</td><td></td></tr> </tbody> </table>		Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65		127	50	227	25		139	130	139	130		147	2,520	147	2,520		112	920*	112	920*		113	1,840*	113	1,840*		115	110	215	55	\$110	116	400	216	200		117	920	217	480		118	1,440	218	720		128	1,960	228	980		119	320	219	160		120	320	220	160		121	280	221	140		138	1,510	138	1,510		140	110	240	55		141	1,280	241	640		142	1,280	242	640		143	480	243	230		144	620	244	310		122	130	122	130	\$130	123	60	123	60		128	180	126	180		581	40	581	40		148	740	248	370		149	740	249	370		179	740	279	370		168	900	168	900	
Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																			
101	740	201	370																																																																																																																																																																																				
108	330	206	165																																																																																																																																																																																				
107	510	207	255																																																																																																																																																																																				
108	740	208	370																																																																																																																																																																																				
114	180	214	80																																																																																																																																																																																				
SUBTOTAL (1)				(\$ 0)																																																																																																																																																																																			
Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																			
105	130	205	65																																																																																																																																																																																				
127	50	227	25																																																																																																																																																																																				
139	130	139	130																																																																																																																																																																																				
147	2,520	147	2,520																																																																																																																																																																																				
112	920*	112	920*																																																																																																																																																																																				
113	1,840*	113	1,840*																																																																																																																																																																																				
115	110	215	55	\$110																																																																																																																																																																																			
116	400	216	200																																																																																																																																																																																				
117	920	217	480																																																																																																																																																																																				
118	1,440	218	720																																																																																																																																																																																				
128	1,960	228	980																																																																																																																																																																																				
119	320	219	160																																																																																																																																																																																				
120	320	220	160																																																																																																																																																																																				
121	280	221	140																																																																																																																																																																																				
138	1,510	138	1,510																																																																																																																																																																																				
140	110	240	55																																																																																																																																																																																				
141	1,280	241	640																																																																																																																																																																																				
142	1,280	242	640																																																																																																																																																																																				
143	480	243	230																																																																																																																																																																																				
144	620	244	310																																																																																																																																																																																				
122	130	122	130	\$130																																																																																																																																																																																			
123	60	123	60																																																																																																																																																																																				
128	180	126	180																																																																																																																																																																																				
581	40	581	40																																																																																																																																																																																				
148	740	248	370																																																																																																																																																																																				
149	740	249	370																																																																																																																																																																																				
179	740	279	370																																																																																																																																																																																				
168	900	168	900																																																																																																																																																																																				
2. EXTRA CLAIM FEES Total Claims: 20 ** = 0 X Fee from below = 0 Independent Claims: 3 ** = 0 X Fee from below = 0 Multiple Dependent: X Fee from below = 0 <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td></td></tr> <tr><td>102</td><td>84</td><td>202</td><td>42</td><td></td></tr> <tr><td>104</td><td>280</td><td>204</td><td>140</td><td></td></tr> <tr><td>109</td><td>84</td><td>209</td><td>42</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td></td></tr> <tr><td colspan="4">SUBTOTAL (2)</td><td>(\$ 0)</td></tr> </tbody> </table>		Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9		102	84	202	42		104	280	204	140		109	84	209	42		110	18	210	9		SUBTOTAL (2)				(\$ 0)	Other fee (specify) _____ *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) \$240.00																																																																																																																																																		
Large Fee Code	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																			
103	18	203	9																																																																																																																																																																																				
102	84	202	42																																																																																																																																																																																				
104	280	204	140																																																																																																																																																																																				
109	84	209	42																																																																																																																																																																																				
110	18	210	9																																																																																																																																																																																				
SUBTOTAL (2)				(\$ 0)																																																																																																																																																																																			

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Frederick A. Wein	Registration No. Attorney/Agent	27,168
Signature		Telephone	609-734-9518
		Date	December 7, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

RECEIVED

JUL 24 2002

OFFICE OF PETITIONS

THOMSON MULTIMEDIA LICENSING INC.

FACSIMILE TRANSMISSION

Thomson Multimedia Licensing Inc.

2 Independence Way

Princeton, NJ 08540

FAX: (609) 734-9700

PHONE: (609) 734-9400

TO: Joe Hail-USPTO

LOCATION:

FAX NO.: 703 746 3267 EXT:

FROM: Fred Wein-Patent Operations

EXT: NO. OF PAGES (including cover) 6

DATE: June 27, 2002

REMARKS: SN 09/911,437, our docket no. 87,911
Per your telecon with JS Tripoli this date, concerning documents
sent Dec. 7, 2001, enclosed is a copy of the petition, fee
transmittal and extension of time, all sent that date with a certificate
of mailing.


27, 168

IF YOU ARE MISSING PAGES OR IF NOT RECEIVED PROPERLY,
PLEASE CALL.